

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES July 2, 2002**

**PRESENT:**

Mayor Peter J. Kelly  
Deputy Mayor Robert P. Harvey  
Councillors: Stephen Streach  
Gary Hines  
Ron Cooper  
Harry McInroy  
Brian Warshick  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Diana Whalen  
Linda Mosher  
Stephen D. Adams  
Len Goucher  
Reg Rankin  
Gary Meade

**REGRETS:**

Councillors: Keith Colwell  
John Cunningham  
Brad Johns

**STAFF MEMBERS:**

Mr. George McLellan, Acting Chief Administrative Officer  
Mr. Barry Allen, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Patti Halliday, Assistant Municipal Clerk

**Table of Contents**

1.	INVOCATION .....	5
2.	PROCLAMATIONS .....	5
2.1	Live Music Appreciation Week - July 8 - 14, 2002 .....	5
3.	APPROVAL OF MINUTES - June 18, 2002 .....	5
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	5
5.	BUSINESS ARISING OUT OF THE MINUTES .....	7
6.	MOTIONS OF RECONSIDERATION - NONE .....	7
7.	MOTIONS OF RESCISSION - NONE .....	7
8.	CONSIDERATION OF DEFERRED BUSINESS - June 25, 2002 .....	14
8.1	Capital District Boundary - continuation of discussion (info report) ....	14
8.2	Shopping Carts and Scavenging of Recyclables .....	17
8.3	Councillor Hetherington - Information item "Municipal Authority to Address Landscaping Issues under Dangerous and Unsightly Premises Legislation"	18
8.4	Membership Selection Committee - Board & Committee Citizen Appointments .....	18
8.5	Councillor Blumenthal - Request for staff report re: Grass Cutting Contracts .....	18
8.6	Committee of the Whole Recommendation - Biodegradable Bags ....	18
8.7	In Camera Recommendation - Settlement of Claim .....	18
8.8	In Camera Recommendation - Settlement of Claim .....	19
8.9	In Camera Recommendation - Downtown Dartmouth Development Corporation .....	19
9.	PUBLIC HEARINGS - 6:00 p.m. ....	20
9.1	Second Reading By-Law O-102 Respecting Open Air Burning .....	20
9.2	Second Reading By-Law L-110 Respecting Local Improvement Projects	20
9.3	HRM Capital Cost Contributions Policy - Amendments to Municipal Planning Strategies and Land Use By-Laws (prev circ June 11/02) ...	21
10.	CORRESPONDENCE, PETITIONS & DELEGATIONS .....	21
10.1	Correspondence .....	21
10.1.1	Possible Elimination of Business Occupancy Tax - Union of Nova Scotia Municipalities .....	21

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10.2	Petitions .....	21
10.3	Presentation .....	21
10.3.1	Construction & Demolition Waste Management Strategy - Harrietsfield and Williamswood Community Association - Shannon McDonald .....	21
11.	REPORTS .....	21
11.1	CHIEF ADMINISTRATIVE OFFICER .....	21
11.1.1	Tender 02-267, Phase 11-1 Burnside Industrial Park - Eastern Region .....	21
11.1.2	Request for Proposal 02-013, PC Desktop Leasing and Support .....	21
11.1.3	Railway Crossing Improvement Project .....	21
11.1.4	Case 00455 - Request to amend the Halifax Municipal Planning Strategy and Land Use By-law, Peninsula South End, Halifax .....	22
11.1.5	Community Integration Plan - Dartmouth .....	22
11.2	MEMBERS OF COUNCIL .....	22
11.2.1	Councillor Cooper - Leasing Small Municipal Property Lots ..	22
12.	MOTIONS .....	22
13.	ADDED ITEMS .....	22
13.1	Memorandum from the Chief Administrative Officer, dated June 19, 2002 re: Rural Fire Management Committee .....	22
13.2	HRM Bond Rating .....	22
13.3	Property Matter - Acquisition of Parcel PH911, Portland Street, Dartmouth .....	22
13.4	Property Matter - Sale of Former St. Andrew's School, 2020 St. Margaret's Bay Road .....	22
13.5	Legal Matter - Settlement of Claim .....	22
14.	NOTICES OF MOTION .....	22
15.	ADJOURNMENT .....	23

1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation led by Councillor Cooper.

2. **PROCLAMATIONS**

2.1 **Live Music Appreciation Week - July 8 - 14, 2002**

The week of July 8 - 14, 2002 was proclaimed to be Live Music Appreciation Week.

**ACKNOWLEDGEMENTS**

Deputy Mayor Harvey congratulated Mr. Mike Gillett, Coordinator, Civic Events and Festivals, and staff of Parks and Recreation for their work on the prize winning float in the recent Patriot Days parade.

Councillor Goucher congratulated Mr. Dan Guptill, Chair, Bedford Days Committee, members of the Bedford Days Committee and Mr. Mike Gillett for their work on the Bedford Days activities.

Councillors Sloane and Warshick congratulated Ms. Carol Dobson, Chair, Canada Day Committee, members of the Canada Day Committee, Mr. Andrew Cox, Coordinator, Civic Events & Festivals, the Lions' Clubs and other volunteers, as well as the sponsors, for their work on Canada Day events.

On a point of privilege, Councillor Hines clarified recent media accounts of comments he made regarding supplementary education funding. The Councillor stated it was not his intent to serve notice that he is trying to dismantle supplementary funding, rather it was to initiate a fact-finding meeting.

Councillor Smith congratulated the Dartmouth North Community Centre on its program regarding Internet Safety for Teens.

3. **APPROVAL OF MINUTES - June 18, 2002**

**MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the minutes of June 18, 2002, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

4. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The following items were added to the agenda:

- 13.1 Memorandum from the Chief Administrative Officer, dated June 19, 2002 re: Rural Fire Management Committee
- 13.2 HRM Bond Rating
- 13.3 Property Matter - Acquisition of Parcel PH911, Portland Street, Dartmouth
- 13.4 Property Matter - Sale of Former St. Andrew's School, 2020 St. Margaret's Bay Road
- 13.5 Legal Matter - Settlement of Claim

Councillor Rankin requested that the recommendations from the In Camera session held prior to this meeting (Items 13.3 - 13.5) be moved up on the agenda to follow Item 8.9 - In Camera Recommendation - Downtown Dartmouth Development Corporation.

Councillor Blumenthal requested that Items 8.11 Project 00082 - Construction and Demolition (C&D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-Laws (supp report) and 10.3.1 Construction & Demolition Waste Management Strategy - Harrietsfield and Williamswood Community Association - Shannon McDonald, be addressed together on the agenda.

Councillor Hetherington requested that Item 13.2 HRM Bond Rating be addressed first on the agenda.

**MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the Order of Business, Additions and Deletions be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

As agreed to during Approval of the Order of Business, Council addressed Item 13.2 HRM Bond Rating at this time.

**13.2 HRM Bond Rating**

Ms. Dale MacLennan, Director, Financial Services, made a brief presentation to Council regarding HRM's first bond rating. Ms. MacLennan advised Council the rating was A - Stable which is a very positive first rating for HRM. Mr. George McLellan, Chief Administrative Officer, added that this rating is a very objective position that puts HRM in comparison with comparable cities across Canada, and it identifies strengths and weaknesses of the Municipality.

Councillors Blumenthal and Streach expressed congratulations to Mr. McLellan and staff for the positive bond rating.

5. **BUSINESS ARISING OUT OF THE MINUTES**

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

At this time, it was agreed to deal with Item 9 - Public Hearings, commencing with Item 9.2 Second Reading By-Law L-110 Respecting Local Improvement Projects.

9. **PUBLIC HEARINGS - 6:00 p.m.**

9.2 **Second Reading By-Law L-110 Respecting Local Improvement Projects**

C By-Law L-110, Respecting Water Servicing - Mohawk St., Mic Mac Dr., Maplewood, Hammonds Plains, passed First Reading on June 11, 2002, and was now before Council for Second Reading.

C A staff report prepared for George McLellan, Chief Administrative Officer, dated May 23, 2002, regarding the above, was before Council for its consideration.

With the use of overheads, Mr. Jamie Hannam, Chief Engineer, Halifax Regional Water Commission, presented the staff report to Council and responded to questions of clarification from Councillor Uteck.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

**MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillor Rankin, seconded by Councillor Goucher, that By-Law L-110 Respecting Local Improvement Projects, be given Second Reading. MOTION PUT AND PASSED UNANIMOUSLY.**

9.1 **Second Reading By-Law O-102 Respecting Open Air Burning**

C By-Law O-102 Respecting Open Air Burning passed First Reading on June 11, 2002, and was now before Council for Second Reading.

C A staff report prepared for George McLellan, Chief Administrative Officer, dated June 5, 2002, regarding the above, was before Council for its consideration.

Mr. Mike Eddy, Chief Director, Fire and Emergency Services, presented the staff report to Council. Responding to questions of clarification from Council, Mr. Eddy made the following points:

C The area along Lake Major Road and Ross Road would be covered under Stations 2 - 18.

C The 35 acre lots on Caldwell Road would be covered under Section 4 (g) of the proposed by-law.

C Inappropriate burning of tree stumps was a major issue and staff believe the proposed by-law contains controls to ensure that it is done properly in the future.

C Golf courses are an example of who would be considered a commercial burner.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the By-Law.

**Ms. Cheryl Scotland**

Ms. Scotland addressed Council speaking against the proposed By-Law, specifically with regard to Sections 5 and 6. Ms. Scotland stated she would prefer that open air burning be banned in the core area. She further stated that every fire is a health and safety hazard, and she questioned how this By-Law could be enforced and what medical training will be provided to staff responsible for the enforcement of it. If this By-Law is adopted, Ms. Scotland stated Council will potentially be enabling air pollution and health risks. In closing, she requested that Council perform more research on the ill effects of burning wood outdoors for aesthetic purposes only and reconsider Sections 5 and 6 of the By-Law.

**Mr. Brent Moxon**

Also speaking against the By-Law, Mr. Brent Moxon addressed Council stating his main concern was with Sections 5 and 6 (a). Mr. Moxon suggested that the proposed By-Law was regressive as it permits toxic fumes to poison the air in what is supposed to be a "Green City". Mr. Moxon raised the concern this creates for asthma sufferers and those with other medical issues. In closing, Mr. Moxon requested that Council not permit open air burning in the urban area.

Mayor Kelly called three times for any further members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillor McInroy, seconded by Councillor Streach, that Council give Second Reading to By-Law O-102 Respecting Open Air Burning.**

Councillor Whalen expressed concern with the term “commercial burner” and stated that this proposed By-Law reverses the original intent of the By-Law which was to prevent commercial burning.

**MOVED by Councillor Whalen, seconded by Councillor Walker, that the proposed By-Law be amended by deleting Section 4 (d).**

Councillor Hines stated he would not support the amendment as Section 4 (d) refers to the sole purpose of burning tree stumps, there is a requirement for a \$10,000 bond and there are very few other avenues to remove these stumps.

Councillor Mosher suggested the amendment be changed to only remove the words following “No Burn Zone” rather than the entire section. Councillor Hetherington suggested if this amendment passed, then Section (e) would become redundant and should, therefore, be deleted. Both the Mover and Secunder concurred with both suggestions, and the amendment now read as follows:

**MOVED by Councillor Whalen, seconded by Councillor Walker, that the proposed By-Law be amended by deleting the following words in Section 4 (d): “*except a fire for the sole purpose of burning tree stumps in the open air*” and that Section 4 (e) be deleted.**

Speaking against the amendment, Councillor Streach questioned how will the stumps be removed.

Councillor Uteck expressed concern with making such a significant change to the proposed By-Law without hearing from the commercial sector. Mr. Barry Allen, Municipal Solicitor, suggested Council could approve the amendment, in principle, and a subsequent Public Hearing would follow.

Councillor Whalen expressed concern with a further delay in approving this By-Law, noting the development industry did not come forward in the past. With respect to the removal of the tree stumps, the Councillor noted that chipping is another option. In response, Councillor Hines stated he has had conversations with representatives of the industry and they made the suggestion of including a clause for the burning of stumps only.

Councillor Walker noted Section 4 (d) refers to the urban area, and stated he has not heard any complaints from industry with regard to this issue.

The vote was then taken on the amendment.

**MOTION PUT AND PASSED.**

**MOVED by Councillor Whalen, seconded by Councillor Walker, that the proposed By-Law be amended by deleting Section 6 (d).**

Councillor Hetherington expressed concern with the inclusion of Sections 5 and 6 and suggested these entire sections should be removed from the proposed By-Law. The Councillor stated these sections permit residential burning in backyards and there are not enough Inspectors to regulate this activity.

Deputy Mayor Harvey inquired what would be the definition of “commercial burner” and suggested a resident could hire a commercial burner to burn on a residential property. The Deputy Mayor stated it was his understanding that the inclusion of “commercial burner” was to address to the issue of golf courses, and suggested that some terms, such as this one, need to be redefined. Mr. Eddy clarified that a commercial burner would be someone being paid to perform burning on a commercial property. Mr. Allen suggested adding the word “commercial” before property owner in Section 2 (a) would provide this clarification. Councillor Goucher noted many golf courses are not zoned commercial and suggested that this issue should be referred back to staff. Councillor Whalen suggested a clause could be added to the By-Law that would permit golf courses to burn twice a year. Councillor Hetherington inquired if golf courses could fall under Section 4 (g). In response, Mr. Eddy stated he believed they could but noted the “Limited Burn Zone” also has its own definition. Councillor Hetherington suggested Section 4 (g) could be amended to state “Limited Burn Zone or No Burn Zone.” Mr. Eddy stated this suggestion would have to be reviewed by Legal Services.

**MOVED by Councillor Hetherington, seconded by Councillor Streach, that By-Law O-102 Respecting Open Air Burning, be referred back to staff for further clarification and recommendations.**

Councillor Sloane expressed concern with campfires being held in residential areas.

Councillor Warshick requested that staff re-examine Sections 5 and 6 and obtain input from the public and Fire Services as to how they would like to proceed with this issue.

Councillor Sarto suggested that the specifics of Sections 5 and 6 be included in the next advertisement for a Public Hearing so as the public is aware of what is included in these sections.

Responding to a question of Councillor Blumenthal, Mr. Eddy stated the By-Law could be brought back to Council following the summer break.

Councillor Mosher inquired about the status of the amendment passed earlier in the meeting. In response, Mr. Allen stated it would not have any effect until the entire By-Law passes Second Reading. The Councillor suggested if the matter cannot come back to Council in August, then the issues relating to commercial and health should be separated and the commercial issue addressed now as it was the original intent of the by-law.

Councillor Streach inquired if there have been any problems in the past with the burning of stumps. Mr. Eddy responded there were some issues regarding smoke and burning on improper days.

With respect to outdoor burning appliances, Councillor Warshick stated if it is Council's intent to increase the regulations regarding their use, that information regarding the specific type of appliances be provided to the public beforehand, so everyone is aware of what is taking place. The Councillor also stated that the public needs to be made aware that the reason for the regulations is to address safety and health issues.

**MOTION PUT AND PASSED.**

**9.3 HRM Capital Cost Contributions Policy - Amendments to Municipal Planning Strategies and Land Use By-Laws (prev circ June 11/02)**

- C Correspondence from Francis MacKenzie, 32 Eastwood Terrace, Bedford, dated July 2, 2002, regarding the above, was before Council for its consideration.
- C Correspondence from Earle B. Richardson, President, Urban Development Institute, dated July 2, 2002, regarding the above, was before Council for its consideration.
- C Correspondence from Gary Pierce, Vice President, Development, Kimberly Lloyd Developments Limited, dated July 2, 2002, regarding the above, was before Council for its consideration.
- C Correspondence from the Annapolis Group dated June 28, 2002, regarding the above, was before Council for its consideration.
- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated May 23, 2002, regarding the above, was before Council for its consideration.

With the use of PowerPoint, Mr. Austin French, Manager, Community and Regional Planning, presented the staff report to Council. Mr. Peter Duncan, Manager, Development Engineer, reviewed the Best Practices Guide, and Ms. Catherine Sanderson, Manager,

Revenue, addressed the financial aspect of the policy, and responded to questions of clarification of Council.

### **RECESS**

A recess was taken at 8:05 p.m. The meeting reconvened at 8:20 p.m.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the MPS and LUB amendments.

### **Mr. Paul Pettipas, C. E. O., Nova Scotia Home Builders' Association**

Mr. Paul Pettipas, C. E. O., Nova Scotia Home Builders' Association, addressed Council stating the Association continues to oppose Capital Cost Contributions because they are, in fact, based on the faulty premise that development is a "cost causer" rather than a "revenue" producer for HRM. Mr. Pettipas noted that the industry has continually requested that a "test case" be used before implementation of capital cost contributions to ensure that it is done correctly. Copies of his presentation were provided to Council.

### **Mr. Barry Zwicker, MacDonald, Wallace, Lively**

Mr. Barry Zwicker, MacDonald, Wallace, Lively, representing a landowner on the south side of Kearney Run and Paper Mill Lake, addressed Council regarding the policy. Mr. Zwicker noted this property is currently covered by a development agreement and it may or may not have capital charges applied to it as a result of this policy. He stated there is no level of comfort in the policy as to how it will be applied. Mr. Zwicker expressed concern that a site adjacent to another site that is developed may, in the future, be charged as a result of a perceived benefit as a result of capital cost contribution being made. He stated there is no information in the document to determine how this would be calculated. As a result, he stated the impact on his client's land cannot be determined. Mr. Zwicker also expressed concern with the insertion of the increased demand on concept plans in the subdivision by-law amendments. He noted the amendments suggest there is a right to appeal but he stated the appeal provisions in the Municipal Government Act do not cover concept plans. He suggested that this issue be researched before this matter is adopted by Council.

In closing, Mr. Zwicker noted if the densities are not achieved or the targets are not met, HRM can recalculate the costs. He stated this is totally unreasonable and unfair part way through a development.

### **Mr. Kevin Riles, Vice President, United Gulf Developments Limited**

Mr. Kevin Riles, Vice President, United Gulf Developments Limited, addressed Council regarding the policy. Copies of his presentation were provided to Council. In his presentation, Mr. Riles stated that United Gulf Developments Limited respectfully requests

Regional Council to defer its decision until such time as they, and other members of the public, can be given further time to review the draft legislation and provided detailed comments.

Mayor Kelly called three times for any further members of the public wishing to speak either in favour of or against the amendments. Hearing none, the following motion was put on the floor:

**MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillor Whalen, seconded by Councillor Goucher, that Regional Council approve:**

- a) the proposed amendments to all of HRM's Municipal Planning Strategies and Land Use By-Laws as presented in Attachment 1 of the staff report dated May 23, 2002;**
- b) the proposed amendments to all of HRM's Subdivision By-Laws as presented in Attachment 2 of the staff report dated May 23, 2002.**
- c) Halifax Regional Council adopt a policy establishing the Infrastructure Charges Best Practices Guide - A Capital Cost Contribution Policy (Attachment 3) as the HRM methodology for implementation of the Capital Cost Contribution Policy.**

Responding to questions of Council, staff made the following points:

- C There will be opportunity for refinements to the policy as it proceeds.
- C Staff will continue to work with the industry committee during the creation of Wentworth Estates and, if necessary, come back to Council with any suggested changes that might be appropriate.
- C It is intended that if the development agreement changes over time with future phases, there will be an opportunity to reassess the assumptions.
- C Many of the implications of the Capital Cost Contribution Policy relative to Wentworth Estates had already been defined.
- C The methodology has been tested and staff believe that the overall approach of the policy works. Staff is comfortable that the order of magnitude will not be a negative impact on development.
- C The proposed amendments do not set out the actual rate.

- C It is anticipated that staff will be back to Council after the summer break to present the extent of the charge area as well as the amount of the charge and an analysis of the municipal risk.
- C Royale Hemlocks had already invested a great deal in oversized services on the Bedford Highway from which the Municipality was receiving a benefit, so they received an exemption from the Capital Cost Contribution.
- C This policy will enable HRM to recover the money it puts into over-sizing, where in the past, that has not occurred.

**MOTION PUT AND PASSED UNANIMOUSLY.**

At this time, Councillor Adams requested that Council deal with Item 10.3.1 - Presentation Construction & Demolition Waste Management Strategy - Harrietsfield and Williamswood Community Association - Shannon McDonald. Council agreed to the request.

**10.3.1 Presentation Construction & Demolition Waste Management Strategy - Harrietsfield and Williamswood Community Association - Shannon McDonald**

Ms. Shannon McDonald, Harrietsfield-Williamswood Community Association, made a presentation to Council regarding the Construction and Demolition Waste Management Strategy. A copy of her presentation was submitted for the record.

Mayor Kelly thanked Ms. McDonald for her presentation.

**8. CONSIDERATION OF DEFERRED BUSINESS - June 25, 2002**

**8.1 Capital District Boundary - continuation of discussion (info report)**

- C An Information Report prepared for Lew Rogers, Director, Tourism, Culture and Heritage, dated June 26, 2002, regarding the above, was before Council for its information.
- C A staff report prepared for Dan English, Deputy Chief Administrative Office, dated June 17, 2002, regarding the above, was before Council for its consideration.

At the end of the discussion of this matter on June 25, 2002, the following motion and amendment were on the floor:

**MOVED by Councillor Smith, seconded by Councillor Cunningham, that Council approve the physical boundary for the Capital District as illustrated on Map 1, Attachment A, of the staff report dated June 17, 2002.**

**MOVED by Councillor Blumenthal, seconded by Councillor Mosher, that Quinpool Road be removed as part of the Capital District.**

Mr. Roger Wells, Regional Coordinator, Planning and Development Services, presented the Information Report, stating staff was recommending Quinpool Road be included in the Capital District for the following reasons:

- 1) Quinpool Road is one of the important gateway corridors leading to the Halifax downtown core.
- 2) This corridor is contiguous to the downtown core area rather than being physically separated by residential neighbourhoods or other land uses.
- 3) It is commercial in nature, and its issues are similar to those of the downtown core area.
- 4) The Capital District was created to provide coordination to similar business agencies within a small geographic area. The Quinpool Road Mainstreet District is one of these agencies and has had representation on the Task Force since its inception.

Councillor Warshick suggested Main Street/Highway #7 should also be included in the Capital District. Responding to a question of Councillor Cooper, Mr. Wells stated Main Street and Herring Cove Road are physically separated from the downtown core. Staff are aware these areas have important issues and assurance has been given by the Regional Planning team that through the Vibrant City Healthy Communities Task Force, they will be consulting directly with the business groups on these commercial strips.

Councillors speaking in support of the amendment made the following points:

- C Quinpool Road is not a not a natural fit with the central business district and Capital District.
- C Quinpool Road is more of an outlying area than a part of the downtown core.
- C The Halifax Common and Citadel Hill are more of an entrance to the downtown than Quinpool Road.
- C The commercial districts between downtown and Quinpool Road are not contiguous.
- C Enlarging the Capital District will dilute the impact of the area and lessen the resources that will be made available for improvements.
- C If Quinpool Road is included in the Capital District, the same consideration will have to be given to other areas.
- C The Capital District needs to be confined to the downtown core.

Councillors speaking against the amendment made the following points:

- C Quinpool Road has levied an area rate for more than a year and the money it collects can contribute to leveraging funds from other levels of government that will be used for projects in the Capital District.
- C Quinpool Road is connected to the downtown as it is not a significant distance between the two and the area is probably the second highest pedestrian walkway in the core area.
- C Quinpool Road has a variety of things to offer the Capital District and it has been very involved with the other business associations throughout this process.
- C Some of the projects currently underway in the Capital District will have to be duplicated for Quinpool Road.
- C Quinpool Road businesses were pleased to be included in the Capital District.

Responding to questions of Council, staff made the following points:

- C The Quinpool Road business area has chosen to levy a tax on itself, over and above the tax the other areas pay, and they have been very active in providing services that HRM Council has stated it wants (ie. anti-graffiti campaign).
- C If Quinpool Road was taken out of the Capital District, processes currently in place would have to be duplicated to deal with an established business area.
- C The name "Capital District" was chosen to capitalize on HRM being the capital of the Province, its governance buildings, the creation of a special place, and the common ground of the region.
- C There are proven statistics on higher tourism rates in capitals than non-capital cities and regions.
- C The benefits of being in the Capital District are the synergies and the ability for everyone to pool their resources, such as maintenance, marketing and promotions, etc.
- C Quinpool Road has enough attributes that it is more efficient to include it in the Capital District rather than excluding it.
- C Quinpool Road has significant heritage although it may not necessarily be the type of heritage that is in the downtown area.

Councillor Sarto suggested that a study be undertaken with respect to Main Street in terms of beautification and maintenance improvement.

As it was now 10:00 p.m., the following motion was put on the floor:

**MOVED by Councillor Adams, seconded by Councillor Walker, that the meeting extend to 10:30 p.m.**

Councillor Hetherington requested that the In Camera recommendations be addressed before the meeting adjourned. Council agreed to the request.

**MOTION PUT AND PASSED.**

The vote was then taken on the amendment (July 2, 2002, meeting) which read as follows:

\* \* **MOVED** by Councillor Blumenthal, seconded by Councillor Mosher, *that Quinpool Road be removed as part of the Capital District.* **MOTION PUT AND PASSED.**

\* \* ***(This amendment to the motion was subsequently rescinded at the July 16<sup>th</sup>, 2002, Regional Council meeting - see Item 7.1, July 16<sup>th</sup>, 2002)***

The vote was taken on the Main Motion (July 2, 2002, meeting), as amended, which read as follows:

\* \* **MOVED** by Councillor Smith, seconded by Councillor Cunningham, that Council approve the physical boundary for the Capital District as illustrated on Map 1, Attachment A, of the staff report dated June 17, 2002, with the exception of Quinpool Road. **MOTION PUT AND PASSED.**

\*\* Because the amendment to the motion was rescinded (to remove Quinpool Road), the original motion *“to approve the physical boundary for the Capital District as illustrated on Map 1, Attachment A, of the staff report dated June 17, 2002,”* was placed before Council on July 16<sup>th</sup>, 2002, and was approved - see Item 7.1 - July 16, 2002.

At this time Councillor Adams requested that Item **8.11 Project 00082 - Construction and Demolition (C&D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-Laws** be deferred to next week and that it be the first item the agenda. Council agreed to the request.

## **8.2 Shopping Carts and Scavenging of Recyclables**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

**MOVED** by Councillor Rankin, seconded by Councillor Sarto, that Regional Council approve staff's proposal to:

- a. **enforce the Solid Waste Disposal and Collection By-Law prohibition on scavenging; and**
- b. **staff meet with representatives of the business community who utilize shopping carts to discuss solutions to reduce the number of carts leaving**

**store property and consider this input in future recommendations on this issue.**

In discussion of the motion, members of Council expressed concern regarding the following:

- C HRM's ability to enforce the By-Law
- C People picking up recyclables in order to make a living or to supplement their limited income, the potential for increased crime if this activity is stopped, and the Province's responsibility for putting them in this position
- C The need for discretion in the prosecution of offenders of the By-Law
- C The responsibility for the owners of the shopping carts to retrieve them
- C Suggestions were made for owner identification mechanisms for the carts and for inventories to identify what carts are missing
- C The problem of abandoned shopping carts is a growing issue and needs to be addressed
- C The loss of revenue that is experienced from this scavenging activity

Council agreed to split the motion.

**MOVED by Councillor Rankin, seconded by Councillor Sarto, that Regional Council approve staff's proposal to enforce the Solid Waste Disposal and Collection By-Law prohibition on scavenging. MOTION PUT AND PASSED.**

**MOVED by Councillor Rankin, seconded by Councillor Sarto, that Regional Council approve staff's proposal to staff meet with representatives of the business community who utilize shopping carts to discuss solutions to reduce the number of carts leaving store property and consider this input in future recommendations on this issue. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.3 Councillor Hetherington - Information item "Municipal Authority to Address Landscaping Issues under Dangerous and Unsightly Premises Legislation**

This item was deferred to July 9, 2002.

**8.4 Membership Selection Committee - Board & Committee Citizen Appointments**

This item was deferred to July 9, 2002.

**8.5 Councillor Blumenthal - Request for staff report re: Grass Cutting Contracts**

This item was deferred to July 9, 2002.

**8.6 Committee of the Whole Recommendation - Biodegradable Bags**

This item was deferred to July 9, 2002.

**8.7 In Camera Recommendation - Settlement of Claim**

C This matter was discussed during an In Camera session held on June 25, 2002, and was now before Council for ratification.

**MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Regional Council settle this claim brought by the Plaintiff in the amount of \$12,083.31 as settlement in full upon obtaining a full release from the Plaintiff from any further claims arising out of the accident which occurred on October 17, 1997. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.8 In Camera Recommendation - Settlement of Claim**

C This matter was discussed during an In Camera session held on June 25, 2002, and was now before Council for ratification.

**MOVED by Councillor Smith, seconded by Councillor Blumenthal, that Regional Council settle this claim brought by the Plaintiff in the amount of \$20,000 as settlement in full upon obtaining a full release from the Plaintiff from any further claims arising out of the accident which occurred on May 15, 2000. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.9 In Camera Recommendation - Downtown Dartmouth Development Corporation**

C This matter was discussed during an In Camera session held on June 25, 2002, and was now before Council for ratification.

**MOVED by Councillor Hetherington, seconded by Councillor Smith, that, in the interim, HRM deliver the existing programs and services maintaining the current staff and, further, that the five Dartmouth Councillors and the area MLA (as ex officio) form a Board of Directors to assist with developing a longer term plan to enable the continuation of the programs and services. MOTION PUT AND PASSED UNANIMOUSLY.**

As agreed to during Approval of the Order of Business, Council addressed items 13.3 - 13.5 at this time.

**13.3 Property Matter - Acquisition of Parcel PH911, Portland Street, Dartmouth**

C This matter was discussed at an In Camera Session held prior to the Regular Session and was now before Council for ratification.

**MOVED by Councillor Hetherington, seconded by Councillor Sarto, that:**

1. Pending the transfer to reserves as outlined in the Budget Implications section of the June 19, 2002 Private and Confidential staff report, Council approve in principle the addition of a capital project in the amount of \$750,000 for the purchase of Parcel PH911, Portland Street with funding to come from Account Q103, Capital Surplus Reserve;
2. Pending the transfer to reserves as outlined in the Budget Implications section of the June 19, 2002 Private and Confidential staff report, Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Clayton Developments Limited for the purchase of Parcel PH911, Portland Street, purchase price to come from Account Q103, based on the key terms and conditions outlined in the report;
3. Council not release the contents of this report until the transaction has closed. MOTION PUT AND PASSED.

**13.4 Property Matter - Sale of Former St. Andrew's School, 2020 St. Margaret's Bay Road**

C This matter was discussed at an In Camera Session held prior to the Regular Session and was now before Council for ratification.

**MOVED by Councillor Meade, seconded by Councillor Goucher, that Halifax Regional authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the former St. Andrew's School, 2020 St. Margaret's Bay Road, Timberlea, based on the key terms and conditions set out in the June 27, 2002 Private and Confidential staff report; and further that the June 27, 2002 report not be released to the public until the Agreement of Purchase and Sale is finalized. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.5 Legal Matter - Settlement of Claim**

C This matter was discussed at an In Camera Session held prior to the Regular Session and was now before Council for ratification.

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that Halifax Regional Council settle this claim brought by the Plaintiff in the amount of \$47,500 as settlement in full upon obtaining a full release from the Plaintiff from any further**

claims arising out of the accident which occurred on June 20, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

9. **PUBLIC HEARINGS - 6:00 p.m.**

9.1 **Second Reading By-Law O-102 Respecting Open Air Burning**

This item was addressed earlier in the meeting.

9.2 **Second Reading By-Law L-110 Respecting Local Improvement Projects**

This item was addressed earlier in the meeting.

9.3 **HRM Capital Cost Contributions Policy - Amendments to Municipal Planning Strategies and Land Use By-Laws (prev circ June 11/02)**

This item was addressed earlier in the meeting.

10. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

10.1 **Correspondence**

10.1.1 **Possible Elimination of Business Occupancy Tax - Union of Nova Scotia Municipalities**

This item was deferred to July 9, 2002.

10.2 **Petitions**

None.

10.3 **Presentation**

10.3.1 **Construction & Demolition Waste Management Strategy - Harrietsfield and Williamswood Community Association - Shannon McDonald**

This item was addressed earlier in the meeting.

11. **REPORTS**

11.1 **CHIEF ADMINISTRATIVE OFFICER**

11.1.1 **Tender 02-267, Phase 11-1 Burnside Industrial Park - Eastern Region**

This item was deferred to July 9, 2002.

**11.1.2 Request for Proposal 02-013, PC Desktop Leasing and Support**

This item was deferred to July 9, 2002.

**11.1.3 Railway Crossing Improvement Project**

This item was deferred to July 9, 2002.

**11.1.4 Case 00455 - Request to amend the Halifax Municipal Planning Strategy and Land Use By-law, Peninsula South End, Halifax**

This item was deferred to July 9, 2002.

**11.1.5 Community Integration Plan - Dartmouth Wastewater Treatment Plant Site**

This item was deferred to July 9, 2002.

**11.2 MEMBERS OF COUNCIL**

**11.2.1 Councillor Cooper - Leasing Small Municipal Property Lots**

This item was deferred to July 9, 2002.

**12. MOTIONS**

**13. ADDED ITEMS**

**13.1 Memorandum from the Chief Administrative Officer, dated June 19, 2002 re: Rural Fire Management Committee**

This item was deferred to July 9, 2002.

**13.2 HRM Bond Rating**

This item was addressed earlier in the meeting.

**13.3 Property Matter - Acquisition of Parcel PH911, Portland Street, Dartmouth**

This item was addressed earlier in the meeting.

**13.4 Property Matter - Sale of Former St. Andrew's School, 2020 St. Margaret's Bay Road**

This item was addressed earlier in the meeting.

**13.5 Legal Matter - Settlement of Claim**

This item was addressed earlier in the meeting.

**14. NOTICES OF MOTION**

None.

**15. ADJOURNMENT**

The meeting adjourned at 10:35 p.m.

Vi Carmichael  
Municipal Clerk